

**24-32-114. Cleanup of illegally disposed of waste tires - waste tire cleanup fund - legislative declaration - repeal.**

(1) Moneys appropriated from the waste tire recycling development cash fund, created in section [25-17-202](#) (3), C.R.S., to the division of local government in accordance with said section, shall be deposited in the waste tire cleanup fund, which fund is hereby created in the state treasury, for use in accordance with this section. In addition to moneys otherwise provided as funds are available and within appropriated amounts, moneys in the waste tire cleanup fund, less a proportionate share of the administrative costs of the department of local affairs in administering the fund, including 0.5 full-time equivalent employees (FTE), shall be expended for the following purposes:

(a) Up to fifty percent of the moneys appropriated to the department of local affairs from the waste tire recycling development cash fund may be expended to provide grants to counties and municipalities for the disposal, recycling, or reuse of illegally dumped or stored waste tires at a state- or county-approved storage or disposal facility or at a recycling facility operated pursuant to rules of the department of public health and environment concerning recycling, or, as an alternative to disposal, to encourage the recycling or reuse of such waste tires by contract with private enterprises and allow for partial reimbursement to processors and end users up to a maximum of fifty dollars for each ton of raw waste tires that are processed or used and that are located at either a state, county, or municipal owned and operated or approved storage or disposal facility;

(b) (I) Up to twenty percent of the moneys appropriated to the department of local affairs from the waste tire recycling development cash fund may be expended to provide for tire reuse or recycling incentives in public projects for products that contain or make use of recycled, recapped, and other previously used waste tires. The director shall determine how moneys for such incentives shall be distributed among projects. Any state agency is authorized to expend tire reuse or recycling incentive moneys distributed pursuant to this section.

(II) The general assembly hereby finds that the purpose of the tire reuse or recycling incentives under the provisions of this paragraph (b) is to encourage the beneficial reuse and recycling of Colorado waste tires and is not intended to usurp functions properly performed by the private sector or to compete unfairly with private businesses.

(III) For the purpose of expending tire reuse or recycling incentives under the provisions of this paragraph (b), the state purchasing director and any purchasing agent have the authority to purchase products with recycled waste tire content unless any of the following conditions exist:

(A) The product is not available within a reasonable period of time;

(B) The product fails to meet existing purchasing rules, including any applicable specifications; or

(C) The product fails to meet federal or state health or safety standards as set forth in the code of federal regulations or the Colorado code of regulations.

(c) Up to thirty percent of the moneys appropriated to the department of local affairs from the waste tire recycling development cash fund may be expended to provide for partial reimbursement to processors and end users, up to a maximum of fifty dollars for each ton of raw Colorado waste tires that are processed or used. The purpose of such partial reimbursements shall be to assist new waste tire recycling technologies to become economically feasible and to thereby encourage the use of waste tires and reduce the storage of waste tires in Colorado.

(d) (Deleted by amendment, L. 2002, p. 234, § 1, effective July 1, 2002.)

(e) and (f) (Deleted by amendment, L. 2006, p. 1500, § 36, effective June 1, 2006.)

(1.1) The division may reallocate uncommitted moneys between any funding category described in subsection (1) of this section at the end of each fiscal quarter.

(1.2) All moneys encumbered by June 30 of a fiscal year shall roll forward for expenditure in the following fiscal year.

(1.3) Repealed.

(1.4) Notwithstanding any provision of subsection (1) of this section to the contrary, on June 30, 2003, the state treasurer shall deduct one million four hundred sixty-eight thousand one hundred fifty-two dollars from the waste tire cleanup fund and transfer such sum to the general fund.

(1.5) The general assembly hereby finds and declares that the waste tire cleanup program is a new state program and that administration of the program requires services of a specialized, technical nature that are not available within the state personnel system. The director is therefore authorized to contract with a private person, corporation, or entity for the administration of the waste tire cleanup program described in this section if the contract otherwise complies with part 5 of article 50 of this title concerning contracts for personal services.

(2) In providing assistance to counties pursuant to this section, the director shall give primary consideration to the number of illegal waste tire dumps or storage facilities in each county and whether facilities are available to recycle such waste tires.

(3) (a) (Deleted by amendment, L. 98, p. 1064, § 1, effective June 1, 1998.)

(b) Counties and municipalities receiving grants pursuant to this section may use such grants to fund the removal and disposal or recycling of waste tires with county or municipal personnel or may contract with private entities, other local governments, or other governmental agencies for such activities, if such contracts are otherwise in accordance with law. The use of inmate labor shall be pursued whenever feasible, at the sole discretion of the board of county commissioners or the governing body of the municipality.

(c) In awarding contracts for services pursuant to this section, a county or municipality may give preferential bidding treatment to individuals or entities that will recycle, pursuant to regulations of the department of public health and environment concerning recycling, and reuse, rather than dispose of, the waste tires.

(d) The general assembly hereby finds and declares that it is the policy of this state to pursue proposals for recycling and making other beneficial uses out of waste tires, in lieu of storage or landfill disposal, whenever feasible.

(4) No later than January 1, 1997, and biennially thereafter, each county and municipality in the state that has received funds pursuant to this section shall submit a report to the director concerning the quantity, expressed in weight or as a number, of tires removed from illegal dumps or storage facilities in the county or municipality and disposed of at approved facilities or in recycling or reuse projects; the method in which such disposal was accomplished and the method of recycling or reuse, if any; and the quantity of tires in the county or municipality remaining to be disposed of or recycled in future years.

(5) Repealed.

(6) When the executive director of the department of local affairs determines that all illegal waste tire dumps and storage facilities in the state have been closed and the tires held by such facilities have been disposed of or recycled at a state or county approved storage, disposal, or recycling facility, or in recycling or reuse projects, the director shall certify that fact to the general assembly. Certification shall be as prescribed in section [25-17-202](#) (3.5) (b), C.R.S.

(6.5) The division may promulgate rules to implement the provisions of this section.

(7) This section is repealed, effective upon receipt by the general assembly of the certification described in subsection (6) of this section or effective July 1, 2013, whichever occurs first.

(8) For purposes of this section:

(a) "End user" means a person who uses processed waste tires for a commercial or industrial purpose.

(b) "Processor" means a person who processes waste tires for recycling in Colorado.

(c) "Public project" means:

(I) Any publicly funded contract entered into by a governmental body of the executive branch of this state that is subject to the "Procurement Code", articles 101 to 112 of this title; and

(II) Any publicly funded contract entered into by any political subdivision of the state.

(d) "Tire" or "motor vehicle tire" means any tire used for a motor vehicle, as such term is defined in section [42-1-102](#) (58), C.R.S.; except that motor vehicle shall not include motorcycles.

**Source:** **L. 95:** Entire section added, p. 1113, § 4, effective May 31. **L. 96:** (3)(b) amended, p. 814, § 2, effective May 23. **L. 98:** (1)(a), (1)(b), (3)(a), (3)(d), (4), (6), and (7) amended and (6.5) added, p. 1064, § 1, effective June 1. **L. 99:** (1)(a)(II) amended, p. 884, § 10, effective July 1; (5) amended, p. 690, § 15, effective August 4. **L. 2000:** (1) R&RE, (1.5) and (8) added, and (3)(b), (3)(c), and (4) amended, pp. 807, 809, §§ 2, 3, effective May 24. **L. 2001:** IP(1), (1)(a), (1)(b)(I), (1)(c), (1)(d), and (6) amended and (1)(f) added, p. 798, § 2, effective June 1. **L. 2002:** (1.3) added, p. 153, § 10, effective March 27; (1)(c) and (1)(d) amended, p. 234, § 1, effective July 1; (5) repealed, p. 882, § 22, effective August 7. **L. 2003:** (1.4) added, p. 457, § 14, effective March 5. **L. 2006:** (1)(b)(I) amended, p. 1254, § 1, effective May 26; (1)(e) and (1)(f) amended and (1.1) and (1.2) added, p. 1500, § 36, effective June 1; (7) amended, p. 175, § 4, effective July 1.

**Editor's note:** Section 10 of House Bill 02-1391 containing subsection (1.3) was repealed by section 6 of House Bill 02-1444.